

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3-6, 8-11 and 14, 15, 19-24 are pending in this application. Claims 19-23 are deemed withdrawn.

Claims 1, 3-6, 8-10, and 14, 15, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,042,592 to Schmitt (hereinafter "Schmitt") in view of U.S. Patent No. 6,638,312 to Plouhar et al. (hereinafter "Plouhar") and U.S. Patent No. 6,406,423 to Scetbon (hereinafter "Scetbon"). This rejection is respectfully traversed.

Nowhere does Schmitt disclose a textile support having a protected zone wherein the microporous texture of the support is occluded and a nonprotected zone wherein the microporous texture of the support is not occluded. As noted by the Examiner, Schmitt also fails to disclose a textile support wherein a portion of the macroporous texture of the protected zone is occluded and a portion of the macroporous texture of the protected zone is not occluded. Rather, Schmitt discloses a mesh wherein the microporous texture is occluded, i.e., a protected zone, and no portion of the macroporous texture is occluded. The mesh of Schmitt also fails to include a nonprotected zone. Since, the microporous texture of the entire Schmitt mesh is occluded, no portion of Schmitt is nonprotected. In addition, since, the macroporous texture of the Schmitt mesh is not occluded, Schmitt fails to disclose a textile having a protected zone wherein a portion of the macroporous texture is occluded and a portion of the macroporous texture is not occluded. Thus, Schmitt fails to render obvious the claimed composite prosthesis.

Plouhar fails to remedy the deficiencies of Schmitt. Nowhere does Plouhar disclose a textile support having a protected zone wherein the microporous texture of the support is occluded and an unprotected zone wherein the microporous texture of the support is not occluded. Rather, Plouhar discloses a mesh wherein the macroporous texture of the mesh may or may not be occluded. In Plouhar, either the macroporous texture of the mesh is coated or it is not, but there is no disclosure of occluding the microporous texture of any portion of Plouhar. In fact, Plouhar fails to even recognize that the mesh of Plouhar may include a microporous texture.

In addition, nowhere does Plouhar disclose a film, even less a film which envelopes and penetrates into the arrangement of threads as recited in claim 1. Although the Examiner states on page 3, lines 21-23 of the present Office Action that a film is taught by Plouhar, it is respectfully submitted that the SIS layer of Plouhar is not disclosed as a film. Rather, Plouhar states at

column 4, lines 2-4, that the SIS layer acts as a scaffold for tissue ingrowth and remodeling.

Thus, like Schmitt, Plouhar fails to disclose a textile support that has a protected zone wherein the microporous texture of the support is occluded and an unprotected zone wherein the microporous texture of the support is not occluded. Since Plouhar fails to disclose occluding any portion of the mesh's microporous texture, Plouhar must also fail to disclose a mesh which includes a protected zone wherein a portion of the macroporous texture of the protected zone is occluded and a portion of the macroporous texture of the protected zone is not occluded. Thus, Plouhar cannot possibly cure the deficiencies of Schmitt.

Scetbon fails to remedy the deficiencies of Schmitt and Plouhar. Nowhere does Scetbon disclose a textile support having a protected zone wherein the microporous texture of the support is occluded and an unprotected zone wherein the microporous texture of the support is not occluded. Rather, Scetbon, like Plouhar, discloses a mesh wherein the macroporous texture of the mesh may or may not be occluded. There is no disclosure of occluding the microporous texture in a protected zone and not occluding the microporous texture in a nonprotected zone in Scetbon. There is also no disclosure of occluding only a portion of the macropores in a protected zone (leaving other macropores of the protected zone un-occluded). Like Schmitt and Plouhar, therefore, Scetbon fails to disclose a textile support that has a protected zone wherein the microporous texture of the support is occluded and an unprotected zone wherein the microporous texture of the support is not occluded, wherein the protected zone includes a first portion where the macroporous texture is occluded and a second portion where the macroporous texture is not occluded. Thus, Scetbon cannot possibly cure the deficiencies of Schmitt and/or Plouhar.

Accordingly, withdrawal of the rejections regarding claims 1, 3-6, 8-11 and 14, 15, and 24 as recited above is respectfully requested.

Claim 11 was also rejected under 35 U.S.C. §103(a) as being unpatentable over Schmitt in view of Plouhar, Scetbon and further in view of EP 0774240 A1 to Landgrebe et al. (hereinafter referred simply to as "Landgrebe"). Claim 11 depends from claim 1 and therefore includes all the limitations of claim 1. This rejection is respectfully traversed.

As noted above, neither Schmitt, Plouhar, nor Scetbon, taken alone or in any combination, render obvious claim 1 or any claim depending therefrom. Landgrebe does not, and is not cited in the office action as curing the above-noted deficiencies of Schmitt, Plouhar, and Scetbon. Rather, Landgrebe is cited for the shape of the implant. In fact, Landgrebe fails to

disclose a textile support having a protected zone wherein the microporous texture of the support is occluded and an unprotected zone wherein the microporous texture of the support is not occluded, wherein the protected zone includes a first portion where the macroporous texture is occluded and a second portion where the macroporous texture is not occluded. Thus, Schmitt, Plouhar, Seelby, and Landgrebe, taken alone or in any combination, fail to render claim 11 obvious and withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a) is respectfully requested.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated above.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



Thomas M. Rosselli
Reg. No. 53,532
Attorney for Applicant

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 420
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526